

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DEWITT THOMAS SMITH, JR.,

Plaintiff,

v.

JEFFERY A. BEARD, et al.,

Defendants.

CIVIL ACTION NO. 3:06-CV-0254

(JUDGE CAPUTO)

**MEMORANDUM**

Plaintiff Dewitt Thomas Smith, Jr., filed the present action on February 2, 2006. (Doc. 1.) Plaintiff has not paid the filing fee and the Court is confused as to what he is requesting when asking the Court to extract payment from his petition in Washington, D.C.. On February 10, 2003, in connection with another case, the Court prohibited Mr. Smith from filing any new actions *in forma pauperis* unless he met the statutory exceptions outlined in 28 U.S.C. § 1915(g). *Smith v. Equil Bank & President*, No. 3:03-CV-0006 (M.D. Pa. Feb. 10, 2003). The Court reiterated the prohibition on October 25, 2004. *Smith v. United States Army*, No. 3:04-CV-2308 (M.D. Pa. Oct. 25, 2004). In the present action, Mr. Smith has not alleged any imminent danger of serious physical injury. As such, the Court finds that, consistent with its previous Orders and § 1915(g), Mr. Smith does not qualify for *in forma pauperis* status. Accordingly, the Plaintiff is required to pay any required filing fees.

An appropriate Order shall follow.

February 14, 2006  
Date

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge

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**ORDER**

**NOW**, this 14th day of February, 2006, **IT IS HEREBY ORDERED** that:

- (1) Plaintiff has thirty (30) days to pay the filing fee.
- (2) The Clerk of the Court shall mark this case **CLOSED** if payment is not received within thirty (30) days of the date of this Order.

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge